

**To:** Berol, David[Berol.David@epa.gov]  
**Cc:** Crk, Tanja[Crk.Tanja@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]; Szelag, Matthew[Szelag.Matthew@epa.gov]; Guzzo, Lindsay[Guzzo.Lindsay@epa.gov]; Szalay, Endre[Szalay.Endre@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Fidis, Alexander[Fidis.Alexander@epa.gov]; Buffo, Corey[Buffo.Corey@epa.gov]; Ford, Peter[Ford.Peter@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]  
**From:** Fleisig, Erica  
**Sent:** Tue 3/7/2017 1:23:57 PM  
**Subject:** Re: WA Toxic Criteria and AWB Petitions

David and others,  
Matt is taking a quick look through our latest spreadsheet when he gets in this morning, and will send it around before our meeting. We haven't done the last step in David's email yet, but I agree it could be useful and we should discuss as a group.

Erica

**From:** Berol, David  
**Sent:** Monday, March 6, 2017 1:56:42 PM  
**To:** Fleisig, Erica  
**Cc:** Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fidis, Alexander; Buffo, Corey; Ford, Peter; Schroer, Lee  
**Subject:** Re: WA Toxic Criteria and AWB Petitions

Thanks, Erica.

# Ex. 5 - Attorney Client / Deliberative Process

-- David Berol  
U.S. EPA Office of General Counsel  
202-564-6873

On Mar 5, 2017, at 11:44 PM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

David, to your last point, Matt has been digging up some old spreadsheets we had developed to compare WA’s criteria to our current 304a, and to values in OR and ID where we had received corresponding jeopardy opinions. I’m

# Ex. 5 - Attorney Client / Deliberative Process

-Erica

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**From:** Berol, David

**Sent:** Friday, March 03, 2017 3:35 PM

**To:** Crk, Tanja <[Crk.Tanja@epa.gov](mailto:Crk.Tanja@epa.gov)>; Chung, Angela <[Chung.Angela@epa.gov](mailto:Chung.Angela@epa.gov)>; Szelag, Matthew <[Szelag.Matthew@epa.gov](mailto:Szelag.Matthew@epa.gov)>; Guzzo, Lindsay <[Guzzo.Lindsay@epa.gov](mailto:Guzzo.Lindsay@epa.gov)>; Szalay, Endre <[Szalay.Endre@epa.gov](mailto:Szalay.Endre@epa.gov)>; Steiner-Riley, Cara <[Steiner-Riley.Cara@epa.gov](mailto:Steiner-Riley.Cara@epa.gov)>; Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>; Fidis, Alexander <[Fidis.Alexander@epa.gov](mailto:Fidis.Alexander@epa.gov)>; Buffo, Corey <[Buffo.Corey@epa.gov](mailto:Buffo.Corey@epa.gov)>; Ford, Peter <[Ford.Peter@epa.gov](mailto:Ford.Peter@epa.gov)>

**Cc:** Schroer, Lee <[schroer.lee@epa.gov](mailto:schroer.lee@epa.gov)>

**Subject:** RE: WA Toxic Criteria and AWB Petitions

*Attorney-Client Privileged; Deliberative*

All –

## Ex. 5 - Attorney Client / Deliberative Process

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*David Berol*

U.S. EPA Office of General Counsel

202-564-6873

[berol.david@epa.gov](mailto:berol.david@epa.gov)

-----Original Appointment-----

**From:** Crk, Tanja

**Sent:** Thursday, February 23, 2017 9:59 AM

**To:** Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

**Cc:** Schroer, Lee

**Subject:** WA Toxic Criteria and AWB Petitions

**When:** Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** HQ-Room-WJCW-6124-50pp

Dial in: **Ex. 6 - Personal Privacy**

*Note that this is an EPA (internal) meeting for staff and BCs to discuss two petitions: 1) the complaint by NWEA regarding EPAs response (or failure to respond) to the NWEA petition to update the WQC for toxics in WA and includes a no action reference on arsenic, dioxin, and thallium; and 2) the AWB petition to withdraw the federal rule in WA.*

## Ex. 5 - Deliberative Process / ACP

### Agenda

1. Discuss the WA petition from NWEA

[NWEA petition response.pdf](#)

Response to NWEA May 2016. Is there an email record of sending this petition response to Nina?

2. Discuss the AWB petition